

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Bridon <i>et al.</i>	Confirmation No.:	7359
Application No.:	10/722,733	Art Unit:	1648
Filed:	November 25, 2003	Examiner:	Zachariah Lucas
For:	LONG LASTING SYNTHETIC GLUCAGON LIKE PEPTIDE (GLP-1)	Attorney Docket No.:	11767-055-999 (CAM: 515319-999055)

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. §1.78(a)(3)**

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3), Applicants hereby petition the Commissioner to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of a prior-filed non-provisional application. In particular, Applicants seek to amend the above-identified abandoned application (hereinafter “the ’733 application”) to recite that the ’733 application is a continuation-in-part of the prior filed, then co-pending, non-provisional application, U.S. Patent Application no. 09/623,548 (hereinafter “the ’548 application”).

The filing receipt of the ’733 application, dated March 15, 2004, and submitted herewith as Exhibit 1, indicates that the domestic priority data for the ’733 application, as claimed by Applicants, are the following (emphasis added):

This application is a CON of 10/288,340 11/04/2002  
which is a DIV of 09/657,332 09/07/2000 PAT 6,514,500  
which claims benefit of 60/159,783 10/15/1999  
This application 10/722,733  
is a CON of 09/623,548 09/05/2000  
which is a 371 of PCT/US00/13576 05/17/2000  
which claims benefit of 60/159,783 10/15/1999  
and claims benefit of 60/153,406 9/10/1999  
and claims benefit of 60/134,406 05/17/1999.

Thus, the filing receipt states that the '733 application is a continuation of the '548 application.

In addition, a "Request to Transfer Sequence Listing From Related Applications" ("the Request to Transfer Sequence Listing") filed in the United States Patent and Trademark Office ("USPTO") on November 25, 2003 concurrently with the '733 application, submitted herewith as Exhibit 2, stated in relevant part (at page 1):

Applicants assert that the present application is a continuation of U.S. Application Serial Nos. 10/288,340 and 09/623,548 so the transfer is appropriate.

In addition, the Application Data Sheet filed in the United States Patent and Trademark Office ("USPTO") on November 25, 2003 concurrently with the '733 application, submitted herewith as Exhibit 3, indicates that the '733 application "[c]laims priority to" the '548 application (*see* Exhibit 3, page 5). Furthermore, a Preliminary Amendment filed in the USPTO on November 25, 2003 in connection with the '733 application, submitted herewith as Exhibit 4, amended the specification to reference the priority applications, which amendment recited in relevant part:

This application also claims priority to U.S. Application No. 09/623,548, filed September 5, 2000 which is a § 371 of PCT/US00/13576, filed May 17, 2000 and claims benefit of earlier filed U.S. Provisional Application Nos. 60/159,783, filed October 15, 1999, 60/153,406, filed September 10, 1999, and 60/134,406, filed May 17, 1999. The contents of all the above cited patents and patent applications are which is hereby incorporated by reference in its their entirety.

Thus, the priority claim to the '548 application, as provided in the Application Data Sheet and Preliminary Amendment filed on November 25, 2003, failed to indicate the relationship between the '733 application and the '548 application, while the Request to Transfer Sequence Listing as well as the Filing Receipt for the '733 application incorrectly indicated that the '733 application is a continuation of the '548 application. However, Attorneys for Applicants have realized that the correct relationship of the '733 application to the '548 application is as a continuation-in-part. Thus, Applicants hereby petition under 37 C.F.R. § 1.78(a)(3) to amend the abandoned '733 application to reflect the correct relationship to the '548 application. Specifically, Applicants respectfully request that the '733 application be amended to reflect that the '733 application is a continuation-in-part of the '548 application.

Applicants previously attempted to amend the '733 application, to reflect that the '733 application is a continuation-in-part of the '548 application, by way of a Petition Under 37 C.F.R. § 1.182, filed on June 30, 2008 ("the June 30, 2008 Petition"), in the good faith belief that the June 30, 2008 Petition provided a reasonable basis for granting their request to thus amend the '733 application. In a Decision dated September 2, 2008 ("the September 2, 2008 Decision"), the USPTO dismissed Applicants' request made in the June 30, 2008 Petition, stating that the '733 Application failed to make a specific reference to the prior-filed '548 Application, and that a petition under 37 C.F.R. § 1.78 (a)(3) is required, since the '733 Application was filed after November 29, 2000.

Applicants renewed their attempt to amend the '733 application to reflect the correct priority relationship, by way of a Request for Reconsideration of Decision on Petition Under 37 C.F.R. § 1.182 filed on October 31, 2008 ("the October 31, 2008 Request for Reconsideration"), in the good faith belief that the October 31, 2008 Request for Reconsideration provided a reasonable basis for granting their request. In the October 31, 2008 Request for Reconsideration, Applicants responded that a petition under 37 C.F.R. § 1.78(a)(3) was not necessary because a claim for the benefit of priority to the '548 Application, though not indicating the correct relationship to the '548 Application, was nonetheless included in both the Application Data Sheet (ADS) and Preliminary Amendment filed concurrently with the '733 Application on November 25, 2003, and this benefit claim was recognized by the USPTO as shown by its inclusion on the filing receipt for the '733 Application. In response, the USPTO issued a decision on December 19, 2008 ("the December 19, 2008 Decision"), dismissing Applicants' request made in the October 31, 2008 Request for Reconsideration, and stating that the priority claim made on the filing date of the '733 Application was incorrect because both the specification and the ADS stated that the present application "claims priority to US Application No. 09/623,548." The December 19, 2008 Decision further stated that "the change that petitioner is attempting to make is not merely a correction of the relationship" (the December 19, 2008 Decision at page 2).

Applicants renewed their attempt to amend the '733 application to reflect the correct priority relationship, by way of a Second Request for Reconsideration of Decision on Petition Under 37 C.F.R. § 1.182 filed on February 5, 2009 ("the February 5, 2009 Request for Reconsideration"), in the good faith belief that the February 5, 2009 Request for Reconsideration provided a reasonable basis for granting their request. In the February 5, 2009 Request for Reconsideration, Applicants responded that an indication of the relationship between the '733 Application and the '548 Application was provided at the time of filing

the '733 Application, in particular, on the Request to Transfer Sequence Listing which accompanied the filing of the '733 Application. In response, the USPTO issued a decision on May 19, 2009 ("the May 19, 2009 Decision"), dismissing Applicants' request made in the February 5, 2009 Request for Reconsideration, and stating that Applicants' argument with respect to a timely indication of the relationship between the '733 Application and the '548 Application was "found to be **persuasive**" (May 19, 2009 Decision at page 2, emphasis added). Nonetheless, the USPTO maintained that a petition under 37 C.F.R. § 1.78(a)(3) was required, citing CX14 of the USPTO publication entitled "Eighteenth-Month Publication Questions and Answers" (<http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx14>), which states, in relevant part, that to **add** a benefit claim of a prior-filed non-provisional application in a later-filed copending application that has been abandoned, a petition under 37 CFR 1.78(a)(3) is required if the later filed application is a utility or plant application filed after November 29, 2000 (emphasis added).

Applicants renewed their attempt to amend the '733 application to reflect the correct priority relationship, by way of a Third Request for Reconsideration of Decision on Petition Under 37 C.F.R. § 1.182 filed on July 16, 2009 ("the July 16, 2009 Request for Reconsideration"), in the good faith belief that the July 16, 2009 Request for Reconsideration provided a reasonable basis for granting their request. In the July 16, 2009 Request for Reconsideration, Applicants responded that the USPTO's citation of CX14 was misplaced, since CX14 relates to situations where an Applicant is **adding** a benefit claim, not correcting a timely submitted benefit claim. Applicants argued that CX6 of "Eighteenth-Month Publication Questions and Answers" should govern,<sup>1</sup> since Applicants timely made a benefit claim at the time of filing of the '733 Application, as acknowledged by the USPTO in the May 19, 2009 Decision. Applicants further argued that since a benefit claim to the '548 application was made at the time of filing of the '733 application, and since Applicants seek to amend the '733 application to indicate that the '733 application is a continuation-in-part

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<sup>1</sup> CX6 states:

CX6. Applicant filed an application with a benefit claim to an earlier copending nonprovisional application. The benefit claim was filed within four months from the actual filing date of the application, but the relationship of the applications was designated as "continuation." If applicant wants to change the relationship to "continuation-in-part," would a petition under 37 CFR 1.78(a)(3) and the surcharge set forth in 37 CFR 1.17(t) be required? (added 4Feb2005)

No, the petition under 37 CFR 1.78(a)(3) and the surcharge would not be required when applicant is changing the relationship in a benefit claim from "continuation" (or "divisional") to "continuation-in-part" or from "continuation-in-part" to "continuation" (or "divisional"), or from "continuation" to "divisional," because the Office was able to schedule the application for publication with the relationship given.

rather than a continuation of the '548 application, a petition under 37 CFR 1.78(a)(3) is not required, and that the USPTO had provided no basis for requiring such a petition simply because of the abandoned status of the application. In response, the USPTO issued a decision on March 15, 2010 ("the USPTO's March 15, 2010 Decision"), dismissing Applicants' request made in the July 16, 2009 Request for Reconsideration, and stating that the basis for requiring a petition under 37 C.F.R. § 1.78(a)(3) to correct a timely made benefit claim in an abandoned application is contained within 35 U.S.C. § 120.

In view of the USPTO's March 15, 2010 Decision, Applicants hereby petition under 37 C.F.R. § 1.78(a)(3) to accept the unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior filed '548 application, by amending the abandoned '733 application to reflect that the '733 application is a continuation-in-part of the '548 application. A Supplemental Application Data Sheet for the '733 application, showing the correct relationship of the '733 application to the '548 application, as well as updated attorney information and docket number, is submitted herewith. Pursuant to 37 C.F.R. § 1.76 (d)(1), the updated information in this Supplemental Application Data Sheet will govern, notwithstanding any inconsistent information in the prior filed amendment to the specification. Applicants respectfully request entry of the Supplemental Application Data Sheet into the file history of the '733 application.

Applicants hereby state that the entire delay between the date the claim of benefit was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim of benefit was filed was unintentional. Entry and grant of this Petition are respectfully requested.

Submission of this Petition is without prejudice to Applicants' right to request reconsideration of the USPTO's March 15, 2010 Decision.

A fee of \$1,410.00 is believed due under 37 C.F.R. § 1.17(t) for submission of this Petition. Please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: May 13, 2010

  
Wayne Szeto

For: Adriane M. Antler (Reg. No. 32,605)

59,672  
(Reg. No.)

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

**Exhibit 1:**  
Filing Receipt for U.S. Application No. 10/722,733, dated March 15, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/722,733	11/25/2003	1648	385	500862001601		3	1

20872  
MORRISON & FOERSTER LLP  
425 MARKET STREET  
SAN FRANCISCO, CA 94105-2482

RECEIVED

MAR 22 2004

MORRISON &amp; FOERSTER

CONFIRMATION NO. 7359

FILING RECEIPT

10/722,733 11/25/2003 1648 385 500862001601 3 1  
\*OC000000012103233\*

Date Mailed: 03/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Dominique P. Bridon, Ville Mont-Royal, CANADA; ✓  
Benoit L'Archeveque, Laval, CANADA; ✓  
Alan M. Ezrin, Moraga, CA; ✓  
Darren L. Holmes, Montreal, CANADA; ✓  
Anouk Leblanc, Montreal, CANADA; ✓  
Serge St. Pierre, Ile Bizard, CANADA; ✓

## Assignment For Published Patent Application

CONJUCHEM, INC., Montreal, CANADA;

## Domestic Priority data as claimed by applicant

This application is a CON of 10/288,340 11/04/2002 ✓  
which is a DIV of 09/657,332 09/07/2000 PAT 6,514,500  
which claims benefit of 60/159,783 10/15/1999  
This application 10/722,733  
is a CON of 09/623,548 09/05/2000 ✓  
which is a 371 of PCT/US00/13576 05/17/2000 ✓  
which claims benefit of 60/159,783 10/15/1999 ✓  
and claims benefit of 60/153,406 09/10/1999  
and claims benefit of 60/134,406 05/17/1999

## Foreign Applications

If Required, Foreign Filing License Granted: 03/15/2004

DOCKETED *yz*

Projected Publication Date: 06/24/2004

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

Long lasting synthetic glucagon like peptide (GLP-1)

Preliminary Class

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**Exhibit 2:**  
Request to Transfer Sequence Listing From Related Applications, filed on November 25,  
2003

PATENT  
Docket No. 500862001601  
Cl. Ref. REDC-16

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL968417752US

Date of Deposit: November 25, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.



Victoria Wilson

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Dominique BRIDON et al.

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: LONG LASTING SYNTHETIC  
GLUCAGON LIKE PEPTIDE (GLP-1)

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**REQUEST TO TRANSFER SEQUENCE LISTING  
FROM RELATED APPLICATIONS**

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that the Sequence Listing in both computer readable form (CRF) and paper copy from U.S. Application Serial Nos. 10/288,340 and 09/623,548 be transferred to the attached new U.S. Continuation Patent Application.

Applicants assert that the present application is a continuation of U.S. Application Serial Nos. 10/288,340 and 09/623,548 so the transfer is appropriate.

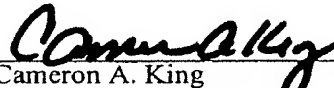
sf-1604874

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 500862001601. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 25, 2003

By:

  
Cameron A. King  
Registration No. (41,897)

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6524  
Facsimile: (415) 268-7522

**Exhibit 3:**  
Application Data Sheet for U.S. Application No. 10/722,733, filed on November 25, 2003

**Application Data Sheet**

**Application Information**

Application Type::	Continuation
Subject Matter::	Utility
Suggested classification::	Unknown
Suggested Group Art Unit::	Unknown
CD-ROM or CD-R?::	None
Number of CD disks::	None
Number of copies of CDs::	None
Sequence submission?::	No
Computer Readable Form (CRF)?::	No
Number of copies of CRF::	None
Title::	LONG LASTING SYNTHETIC GLUCAGON LIKE PEPTIDE (GLP-1)
Attorney Docket Number::	500862001601
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	None
Total Drawing Sheets::	None
Small Entity?::	Yes
Petition included?::	No
Petition Type::	None
Secrecy Order in Parent Appl.?::	No

**Applicant Information**

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Canada
Status::	Full Capacity
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State or Province of mailing address:: Quebec  
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Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
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Country of Residence:: Canada  
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City of mailing address:: Laval  
State or Province of mailing address:: PQ  
Country of mailing address:: Canada  
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Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
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Family Name:: EZRIN  
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Country of Residence:: United States  
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City of mailing address:: Moraga  
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Country of mailing address:: United States

Postal or Zip Code of mailing address:: 94556

Applicant Authority Type:: Inventor  
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Middle Name:: L.  
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Country of Residence:: Canada  
Street of mailing address:: 3450 Drummond Street  
City of mailing address:: Montreal  
State or Province of mailing address:: Quebec  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: H3G 1T3

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
Status:: Full Capacity  
Given Name:: Anouk  
Family Name:: LEBLANC  
City of Residence:: Montreal  
Country of Residence:: Canada  
Street of mailing address:: 2409 Logan  
City of mailing address:: Montreal  
State or Province of mailing address:: Quebec  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: H2K 2B6

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Canada  
Status:: Full Capacity

Given Name:: Serge  
Family Name:: ST. PIERRE  
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Country of Residence:: Canada  
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City of mailing address:: Ile Bizard  
State or Province of mailing address:: Quebec  
Country of mailing address:: Canada  
Postal or Zip Code of mailing address:: H9E 1K8

**Assignee Information**

Assignee name:: CONJUCHEM, INC.  
Street of mailing address:: 225 President Kennedy Avenue  
Third Floor, Suite 3950  
City of mailing address:: Montreal  
State or Province of mailing address:: Quebec  
Country of mailing address:: CANADA  
Postal or Zip Code of mailing address:: H2X 3Y8

**Correspondence Information**

Correspondence Customer Number:: 20872

**Representative Information**

Representative Customer Number:: 20872

**Domestic Priority Information**



Application::	Continuity Type::	Parent Application::	Parent Filing Date::
this application	Continuation of	10/288,340	11/04/02
10/288,340	Divisional of	09/657,332	09/07/00
09/657,332	Nonprovisional of	60/159,783	10/15/99

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
this application	Claims priority to	09/623,548	09/05/00
09/623,548	§ 371 Nat'l Phase of	PCT/US00/13576	5/17/00
PCT/US00/13576	Claims priority to	60/159,783	10/15/99
	and	60/153,406	9/10/99
	and	60/134,406	5/17/99

**Exhibit 4:**  
Preliminary Amendment for U.S. Application No. 10/722,733, filed on November 25, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL968417752US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 25, 2003 Signature: Victoria A. Wilson

(Victoria A. Wilson)

Docket No.: 500862001601  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Dominique BRIDON et al.

Application No.: Not Yet Assigned

Art Unit: Not Yet Assigned

Filed: Concurrently Herewith

Examiner: Not Yet Assigned

For: LONG LASTING SYNTHETIC GLUCAGON  
LIKE PEPTIDE (GLP-1)

**PRELIMINARY AMENDMENT**

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

Prior to examination on the merits, Applicant respectfully requests entry on this Preliminary Amendment for the above-captioned patent application.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.

SF-1604066

**AMENDMENTS TO THE SPECIFICATION**

Please replace paragraph [0001] with the following rewritten paragraph:

[0001] This application is a continuation of U.S. Application No. 10/288,340, filed November 4, 2002 which is a divisional application of United States Patent Application Serial No. 09/657,332, filed September 7, 2000, now U.S. Patent No. 6,514,500, which claims priority to U.S. Provisional Application No. 60/159,783, filed October 15, 1999. This application also claims priority to U.S. Application No. 09/623,548, filed September 5, 2000 which is a § 371 of PCT/US00/13576, filed May 17, 2000 and claims benefit of earlier filed U.S. Provisional Application Nos. 60/159,783, filed October 15, 1999, 60/153,406, filed September 10, 1999, and 60/134,406, filed May 17, 1999. The contents of all the above cited patents and patent applications are which is hereby incorporated by reference in its their entirety.

Application No.: Not Yet Assigned

3

Docket No.: 500862001601

AMENDMENTS TO THE CLAIMS

Claims 1-19 (Canceled)

Claim 20 (New)      The compound D-Ala<sup>8</sup> GLP-1 (7-36) Lys<sup>37</sup>  $\epsilon$ -AEEA-MPA-NH<sub>2</sub>.

Claim 21 (New)      A composition comprising the compound of claim 20.

Claim 22 (New)      The composition of claim 21, further comprising a pharmaceutically acceptable carrier.

Application No.: Not Yet Assigned

4

Docket No.: 500862001601

REMARKS

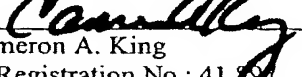
The present application is a continuation application of U.S. Appl. No. 10/288,340, filed November 4, 2002 (the parent application). By virtue of this amendment, claims 1-19 have been cancelled. Claims 20-22 have been added.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 500862001601. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 25, 2003

Respectfully submitted,

By   
Cameron A. King  
Registration No.: 41,807  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105  
(415) 268-6524